

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED AGENDA (SPECIAL MEETING/EXECUTIVE SESSION)

COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Tuesday, August 26, 2003

***4:00 P.M

City Council Special Meeting

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd. – **4:06 P.M.**

Roll Call – **ALL PRESENT**

1. BRIEF UPDATE ON CITY ATTORNEY RECRUITMENT AND CITY CLERK VACANCY.

Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov) **CITY MANAGER JAN DOLAN BRIEFLY IDENTIFIED THE ITEMS FOR COUNCIL'S CONSIDERATION.**

- ***2. NEGOTIATIONS FOR ACQUISITION OF A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE: **780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street.** A.R.S. 38-431.03 (A)(3), - (A)(4) and -(A)(7). Contact: Robert Cafarella 480-312-2577, (rcafarella@scottsdaleaz.gov)

3. MOTION TO RECESS INTO EXECUTIVE SESSION for: **OK – 7/0**

- a. Discussion or consideration of employment, assignment, appointment, and salary, of the City Attorney; and discussion or consideration of resumes of potential candidates for the position and direction to HR General Manager about candidates for interviews. A.R.S. 38-431.03 (A)(1) and (A) (2) Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov)
- b. Discussion or consultation with the City's attorneys for legal advice regarding the recruitment and hiring process, and to consider its position and instruct its attorneys regarding the public body's position regarding employment terms for the City Attorney that are the subject of negotiations. A.R.S. 38-431.03 (A)(3) and (A) (4) Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov)
- c. Conduct Interview and discussion and consideration of Carolyn Jagger for possible promotion, and direction to HR General Manager regarding compensation considerations for City Clerk position; and discussion or consideration of employment records and resume of Carolyn Jagger, Deputy City Clerk. A.R.S. 38-431.03 (A)(1) and (A) (2) Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov)
- d. Discussion or consultation with the City's attorneys for legal advice regarding the recruitment and hiring process, and to consider its position and instruct its attorneys regarding the public body's position regarding employment terms for the City Clerk that are the subject of negotiations. A.R.S. 38-431.03 (A)(3) and (A) (4) Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov)

- *** e. Legal advice and to consider the city's position and instruct its representatives and attorneys regarding negotiations for acquisition of a portion of the following parcel for inclusion in the

McDowell Sonoran Preserve: **780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street.** A.R.S. 38-431.03 (A)(3), -(A)(4) and -(A)(7).
Contact: Robert Cafarella 480-312-2577, (rcafarella@scottsdaleaz.gov)

Adjourn – 4:08 P.M.

City Council Executive Session

Immediately Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

1. Executive session for any of the purposes listed on the agenda for the City Council Special Meeting scheduled for 4:00 P.M., above.

Adjourn

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:11 P.M.**

Roll Call – ALL PRESENT

Public Comment - NORWOOD SISSON - THANKED CITY CLERK SONIA ROBERTSON FOR RUNNING A RESPONSIVE DEPARTMENT

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – OK – 7/0

SPECIAL MEETINGS

June 9, 2003

June 23, 2003

July 1, 2003

REGULAR MEETINGS

July 1, 2003

July 2, 2003

EXECUTIVE SESSIONS

April 21, 2003

May 19, 2003

June 2, 2003

June 3, 2003

June 9, 2003

June 23, 2003

1. Eckerd Drugs #5339 Liquor License - OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for a new drugstore location.

Location: 10010 N. Scottsdale Rd.

Reference: 41-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

2. 3 Margaritas Liquor License - OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an establishment previously operating under the business name Coco's, also with a series 12 (restaurant) license.

Location: 7388 E. Shea Bl.

Reference: 43-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

3. Sassi Ristorante Liquor License - OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer series 6 (bar) State liquor license for a new restaurant location.

Location: 10455 E. Pinnacle Peak Parkway

Reference: 45-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

4. Brazeiro Steakhouse Liquor License - OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new restaurant located in Scottsdale Fashion Square.

Location: 7014 E. Camelback Rd.

Reference: 46-LL-2003

Staff Contacts: Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

5. Marco Polo Supper Club Liquor License - OK – 6/1 (W.E.)

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.

Location: 8608 E. Shea Bl.

Reference: 47-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

- 6. Baguettes Bistro Liquor License - OK - C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a Series 7 liquor license.
Location: 14362 N. Frank Lloyd Wright Bl.
Reference: 49-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619, jefisher@ScottsdaleAZ.gov
- 7. AJs 63 Liquor License Transfer - OK - 7/0**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer of a series #6 (bar) State liquor license for a retail grocery store currently operating with a series 09 (liquor store) license.
Location: 7141 E. Lincoln Dr.
Reference: 51-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619, jefisher@ScottsdaleAZ.gov
- 8. Streetlight Improvement District for Trails North at Horseman's Park – CONTINUED TO SEPT. 9, 2003- OK – 7/0**
Request: Adopt Resolutions No. 6348 and No. 6349, creating a Streetlight Improvement District.
Location: between 98th & 100th St., south of Bell Road
Reference: 4-PP-2002#2
Staff Contact(s): Kurt Jones, Interim Current Planning Director, 480-312-2524, kjones@ScottsdaleAZ.gov
- 9. Trails North at Horseman's Park Final Plat – CONTINUED TO SEPT. 9, 2003- OK – 7/0**
Request: Approve a Final Plat for 112 residential lots on a 40+/- acre parcel.
Location: between 98th & 100th St., south of Bell Road
Reference: 4-PP-2002#2
Staff Contact(s): Kurt Jones, Interim Current Planning Director, 480-312-2524, kjones@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov
- 10. Whisper Rock, Unit 4 Final Plat - OK - C**
Request: Approve a Final Plat of 7 residential lots on a 21-acre parcel.
Location: Southeast corner of Hayden Rd. & Ashler Hills Dr.
Reference: 16-PP-2002
Staff Contacts: Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, August 26, 2003

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11. DC Ranch Parcel 1.13 Final Plat – CONTINUED TO SEPT. 9, 2003- OK – 7/0

Request: Approve a Final Plat for DC Ranch Parcel 1.13.

Location: Planning Unit 1 at DC Ranch - Parcel 1.13

Reference: 3-PP-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

12. DC Ranch Parcel 1.14 Final Plat – CONTINUED TO SEPT. 9, 2003- OK – 7/0

Request: Approve a Final Plat for 77 residential lots on a 22 +/- acre parcel.

Location: Southeast corner of 94th St. & Union Hills Dr.

Reference: 7-PP-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

13. DC Ranch Parcel 1.11 Final Plat – CONTINUED TO SEPT. 9, 2003- OK – 7/0

Request: Approve the Final Plat for 87 residential lots on a 37 +/- acre parcel.

Location: East side of 94th St. between Union Hills Dr. & Bell Rd.

Reference: 8-PP-2003

Staff Contacts: Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

14. Aquila at McDowell Mountain Ranch Abandonment - OK - C

Request: Adopt Resolution No. 6340 affirming the approved abandonment case.

Location: South side Bell Rd. between 98th St. & 100th St.

Reference: 1-AB-2002

Staff Contact(s): Kurt Jones, Interim Current Planning Director, 480-312-2524, kjones@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

15. Abandonment of Right-of-Way - OK - C

Request to consider the following:

1. Abandon the south 15 feet of the south 40 feet of Black Mountain Road, and the west 20 feet of the west 40 feet of 81st Street.
2. Reserve public utility easements over, under and across the subject right of way and roadway easement.
3. Adopt Resolution 6350 vacating and abandoning a portion of right of way and roadway easement.

Location: E. Black Mountain Rd./N. 81st St. (SE)

Reference: 6-AB-2003

Staff Contact(s): Pete Deeley, Project Coordination Manager, 480-312-2554, pdeeley@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

16. Mountainside Fitness Express Conditional Use Permit - WITHDRAWN

Request: Approve a conditional use permit for a health studio in a portion of the 11.96 +/- acre parcel located at 9181 E. Bell Road with Industrial Park (I-1) zoning.

Location: 9181 E. Bell Rd.

Reference: 6-UP-2003

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

17. Osborn Commons Site Plan Amendment - OK - C

Request to:

1. Approve a site plan amendment to 52-ZN-1997 on a 1.7 +/- acre parcel located at the northwest corner of Osborn Road and Bishop Lane with Downtown/Office Commercial Type 2 (D/OC-2) zoning.

2. Adopt Ordinance No. 3523 affirming the above site plan amendment.

Location: E. Osborn Rd./N. Bishop Ln. (NW)

Reference: 52-ZN-1997#2

Staff Contact(s): Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

18. Camelback Rezone- OK - C

Request for approval:

1. To rezone from Single Family Residential (R1-7) to Service Residential (S-R) on a 19,950 square feet area located at 7536, 7542 & 7548 E Camelback Road.
2. To adopt Ordinance No. 3522 affirming the above rezoning.

Location: 7542 E. Camelback Rd.

Reference: 4-ZN-2003

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

19. Mirage Trail General Plan Amendment - OK - C

Request:

1. To approve a General Plan amendment from Commercial to Urban Neighborhood.
2. To rezone from Central Business District, Environmentally Sensitive Lands, Hillside District (C-2, ESL, HD) to Medium-Density Residential, Environmentally Sensitive Lands (R-3, ESL) on a 5.1 +/- acre parcel located south of the Legends Trails Parkway and N Desert Ridge Drive.
3. To adopt Ordinance No. 3519 affirming the above rezoning.
4. To adopt Resolution No. 6328 affirming the above General Plan Amendment.

Location: South of the Legend Trails Parkway & Desert Ridge Drive

Reference: 1-GP-2003 & 43-ZN-1990#2

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

20. Intergovernmental Agreements (IGAs) Nos. 2003-131-COS and 2003-132-COS, accepting grant funding to conduct an Airport Noise and Land Use Compatibility Study at Scottsdale Airport. - OK - C

Request: Adopt Resolution No. 6357, authorizing IGA No. 2003-131-COS with the Federal Aviation Administration (FAA) accepting grant no. 3-04-0032-18 for \$273,180; and Authorizing IGA No. 2003-132-COS with the Arizona Department of Transportation (ADOT) accepting a grant for \$13,410. The total grant funding of \$286,590 will be used with \$23,410 of Aviation Enterprise funds to fund an Airport Noise and Land Use Compatibility Study. The Study is anticipated to cost \$310,000. The issues involved in the study are of key importance to the City Council and citizens of Scottsdale.

The Airport Noise and Land Use Compatibility Study was anticipated and included in the FY 2003/04 adopted Capital Improvement Plan budget. The study is expected to be completed within 16 months by Gilbertson Associates. Gilbertson Associates is currently under contract with the City of Scottsdale (Contract no. 2001-254-COS, November 4, 2002).

Staff Contact(s): Scott T. Gray, Aviation Director, (480) 312-7735, sgray@scottsdaleaz.gov; John Little, Transportation General Manager, 480-312-2539, jlittle@scottsdaleaz.gov

Regular Agenda begins on the following page

21. 5th Avenue Parking Municipal Use Master Site Plan – MOTION TO APPROVE CASE 4-UP-2003 WHICH WOULD BE A 3 LEVEL GARAGE UNDER 36' WHICH WOULD ALL BE ABOVE GRADE. – OK – 7/0

Request: Approve a municipal use master site plan for a parking garage on a 1.6 +/- acre parcel located at 7143 E 5th Avenue with Central Business (C-2) zoning

Location: 7143 E. 5th Avenue

Reference: 4-UP-2003

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

22. Old Town Parking Municipal Use Master Site Plan - MOTION TO AUTHORIZE FUNDS FOR PARKING STRUCTURE AT BROWN AND 2ND STREET TO BE BUILT ½ LEVEL BELOW GRADE AND ½ LEVEL ABOVE GRADE WITH ARCHWAY ELEMENT; TO RESTRIPE THE CIVIC CENTER PARKING GARAGE. -- WITHDRAWN MOTION TO APPROVE OLD TOWN PARKING AT BROWN AND 2ND STREET AS RECOMMENDED BY STAFF WITH ARCHWAY ELEMENT AND TO RESTRIP THE CIVIC CENTER GARAGE. – OK – 7/0

Request: Approve a site selection process for parking in the Old Town for construction of parking at either the northwest corner of 2nd Street and Brown or for the approval of a municipal use master site plan for a parking garage on a 2.45 +/- acre parcel located at 7335 E. Main Street with Central Business (C-2) and Highway Commercial (C-3) zoning.

Reference: 9-UP-2003

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

Public Comment – DARLENE PETERSEN – CLARIFIED THAT WHEN SHE SPEAKS AT COUNCIL MEETINGS, SHE SPEAKS FOR HERSELF UNLESS OTHERWISE STATED.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items - VICE MAYOR O'HEARN - REQUESTED THAT COUNCIL REVIEW AND REVISIT THE ISSUE INVOLVING THE DRB CASE 36-DR-2003 DREAM CENTER SITE PLAN AND ELEVATIONS; COUNCILMAN ORTEGA – REQUESTED THAT STAFF PREPARE AN RFP OUTLINE FOR CONSIDERATION FOR THE ROSE GARDEN SITE THAT WOULD INCREASE PARKING AND PROVIDE RESIDENTIAL DOWNTOWN ON CITY PROPERTY.

Adjournment – 8:07 P.M.

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:00 P.M. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Tuesday agenda to the agenda for the Wednesday meeting.